

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RONALD L. NEWBY,

Defendant.

CASE NO. 8:08CR216

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 40) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 15). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence seized during a February 25, 2008, search of the Defendant's residence pursuant to a search warrant. The Defendant argues that the search warrant affidavit did not contain sufficient probable cause. Judge Gossett determined: the confidential informant referred to in the search warrant affidavit was reliable; the search warrant affidavit contained sufficient probable cause to support issuance of the search warrant; and, in the alternative, the *Leon* good faith exception applies.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 35, 39) and the transcript (Filing No. 30). The Court has also viewed the evidence. (Filing No. 26) Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation

in its entirety. The Court agrees that the confidential informant was reliable, the search warrant affidavit contains sufficient probable cause, and in the alternative the *Leon* good faith standard applies.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 40) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 15) is denied.

DATED this 18th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge